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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 COUNTY OF SANTA CLARA,

15 Plaintiff,

16 v.

17 DONALD J. TRUMP, President of the
United States of America, JOHN F.
18 KELLY, in his official capacity as Secretary
of the United States Department of
19 Homeland Security, JEFFERSON B.
SESSIONS, in his official capacity as
20 Attorney General of the United States,
JOHN MICHAEL "MICK" MULVANEY,
21 in his official capacity as Director of the
Office of Management and Budget, and
22 DOES 1-50,

23 Defendants.
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Case No. 17-cv-00574 WHO

**MOTION FOR LEAVE TO FILE *AMICUS*
CURIAE BRIEF OF SOUTHERN
POVERTY LAW CENTER AND OTHER
AMICI IN SUPPORT OF COUNTY OF
SANTA CLARA AND CITY AND COUNTY
OF SAN FRANCISCO'S MOTIONS FOR
PRELIMINARY INJUNCTION**

Date: April 5, 2017
Time: 2:00 p.m.
Dept.: Courtroom 2
Judge: Hon. William H. Orrick

Date Filed: February 3, 2017

Trial Date: Not Yet Set

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

The Southern Poverty Law Center and additional *amici*¹ hereby request permission to file the attached *amici curiae* brief² in support of the motions for preliminary injunctions filed by Plaintiffs County of Santa Clara and City and County of San Francisco.³ In support of this motion, Southern Poverty Law Center and *amici* state:

I. STATEMENT OF IDENTITY AND INTEREST OF *AMICUS CURIAE* SOUTHERN POVERTY LAW CENTER

The Southern Poverty Law Center (“SPLC”) is a nonprofit legal advocacy organization based in Montgomery, Alabama, with additional offices in Georgia, Florida, Louisiana, and Mississippi. The SPLC was founded in 1971 with the mission of ensuring civil rights for all. Since then, the SPLC has worked tirelessly to protect the most vulnerable members of society, winning numerous landmark legal victories throughout the American South. The SPLC specifically works to protect the civil rights of immigrants and migrant workers, many of whom face discrimination, exploitation, and outright abuse. For instance, the SPLC has recently launched the Southeast Immigrant Freedom Initiative, a project that will enlist and train lawyers to provide pro bono counsel to immigrants who have been detained and are facing deportation proceedings. The SPLC regularly engages in targeted litigation and advocacy on behalf of immigrant communities.

In the course of its work on behalf of immigrants, the SPLC has acquired experience with local jurisdictions that voluntarily allow their local law enforcement to be commandeered by the federal government in order to enforce federal immigration priorities. Executive Order 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017) (the “Executive Order”), at issue in these cases, seeks to involuntarily compel local jurisdictions across the country to adopt the same practices. The SPLC

¹ Exhibit 1 to this Motion identifies each of the additional *amici* and explains each *amici*’s interest in, and reasons for, the attached *amici curiae* brief.

² Attached as Exhibit 2 to this Motion.

³ The City and County of San Francisco have filed a motion for a nationwide preliminary injunction in *City and County of San Francisco v. Trump, et al.*, Case No. 17-cv-485-WHO (N.D. Cal.). Although these two cases have not been consolidated and have separate hearing dates, both cases have been assigned to the same Judge and the Plaintiffs in each case have requested a nationwide preliminary injunction of the same Executive Order. *Amici*’s arguments in their attached brief apply equally to both cases. *Amici* therefore submit the same proposed brief in each case.

believes that these practices constitute bad public policy, with harmful consequences for local jurisdictions and the immigrant communities who live in them, and that the Executive Order seeking to compel these practices is constitutionally flawed. The SPLC is deeply interested in this litigation because the Executive Order, if implemented, will have a dramatic impact on issues that are central to the SPLC's mission and work.

II. REASONS FOR AND RELEVANCE OF *AMICI CURIAE* BRIEF

The SPLC focuses primarily on litigation and advocacy in the southern United States. As described above, many jurisdictions in the SPLC's area of regular operations currently *voluntarily* employ the same practices that the Executive Order seeks to *involuntarily* compel Santa Clara, San Francisco, and all local jurisdictions across the country to adopt. The SPLC has witnessed the consequences of these practices in a variety of jurisdictions across the American South.

The proposed brief of *amici curiae* provides a short synopsis of several distinct types of harm that occur when local police carry out federal immigration laws. These harms are not all self-evident, but have instead come to light through the SPLC's and other amici's longstanding relationship with immigrant communities, including their membership in these communities. The practice of local police voluntarily assisting in the enforcement of federal immigration law is not as widespread in Santa Clara, San Francisco, or the Northern District of California. Accordingly, the proposed brief of *amici curiae* is relevant to this litigation because it will permit the SPLC and other *amici* to share with the Court their experience and understanding of the consequences of the practices that the Executive Order seeks to compel, based on extensive experience in the southern United States, where these practices are commonplace.

III. CONCLUSION

For the foregoing reasons, the Southern Poverty Law Center and *amici* hereby request the Court to grant leave to file an *amici curiae* brief in support of County of Santa Clara and City and County of San Francisco's motions for preliminary injunction.

1 Dated: March 22, 2017

Respectfully Submitted,

2 DECHERT LLP

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4 By: /s/ Nathan M. McClellan

5 Nathan M. McClellan

6 Fred T. Magaziner

7 Christopher S. Burrichter

8 Attorneys for *Amicus Curiae*

9 Southern Poverty Law Center

Southern Poverty Law Center

By: /s/ Naomi Tsu

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Law Caucus, Los Angeles, AAJC, and
Atlanta),
Coalition for Humane Immigrant Rights,
Equal Rights Advocates,
Florida Immigrant Coalition, Inc.,
Florida Legal Services, Inc.,
Greater Birmingham Ministries,
Greater Rochester Coalition for
Immigration Justice,
Illinois Coalition for Immigrant and
Refugee Rights,
Immigrant Legal Resource Center,
Jobs With Justice,
Justice in Motion,
Latin American Legal Defense and
Education Fund,
LatinoJustice PRLDEF,
National Employment Law Project,
National Immigration Law Center,
New Orleans Workers' Center for Racial
Justice,
Northwest Forest Worker Center,
Refugee and Immigrant Center for
Education and Legal Services,
Safe Horizon,
Southeast Immigrant Rights Network,
St. Louis Workers Education Society,
Tennessee Immigrant and Refugee Rights
Coalition,
We Belong Together,
Worker Justice Center of New York, Inc.,
Workers Defense Project, and
Worksafe

1 The undersigned hereby attests that all signatories hereto, together with their respective
2 clients on whose behalf this filing is submitted, concur in the contents of the within MOTION
3 FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF OF SOUTHERN POVERTY LAW CENTER
4 AND OTHER AMICI IN SUPPORT OF COUNTY OF SANTA CLARA AND CITY AND
5 COUNTY OF SAN FRANCISCO'S MOTIONS FOR PRELIMINARY INJUNCTION and have
6 authorized this filing.

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